

7.	Citation Issued Walmart Associates Inc., Individually and/or d/b/a Walmart Supercenter #4530	06/23/2022
8.	Citation Issued Walmart Realty Company, Individually and/or d/b/a Walmart Supercenter #4530	06/23/2022
9.	Executed Citation Walmart Associates Inc., Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
10.	Executed Citation Walmart Realty Company, Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
11.	Executed Citation Wal-Mart Stores Texas, LLC Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
12.	Executed Citation Walmart Inc. Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
13.	Executed Citation Wal-Mart Real Estate Business Trust Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
14.	Wal-Mart's Original Answer	08/02/2022
15.	Demand for Jury	08/02/2022

TAB NO. 1

Case Information

DC-22-06210 | SANDRA LOYOLA vs. WALMART, INC., et al

Case Number

DC-22-06210

File Date

06/09/2022

Court

95th District Court

Case Type

OTHER PERSONAL INJURY

Judicial Officer

PURDY, MONICA

Case Status

OPEN

Party

PLAINTIFF

LOYOLA, SANDRA

Address

1925 E. BELT LINE ROAD

SUITE 420

CARROLLTON TX 75006

Active Attorneys ▼

Lead Attorney

RIVEROS, GABRIEL A

Retained

DEFENDANT

WALMART, INC.

Aliases

DBA WALMART SUPERCENTER #4503

Address

REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST.

STE. 900

DALLAS TX 75201

Active Attorneys ▼

Lead Attorney

KURITZKES, JAMES N

Retained

DEFENDANT

WAL-MART STORES TEXAS, LLC

Aliases

DBA WALMART SUPERCENTER 4503

Address

Active Attorneys ▼

Lead Attorney

KURITZKES, JAMES N

Retained

Inactive Attorneys ▼

REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST.
STE. 900
DALLAS TX 75201

Attorney
DAVIS, DEREK S.
Retained

Work Phone
214-712-9500

Fax Phone
214-712-9540

DEFENDANT
WAL-MART REALTY COMPANY

Aliases
DBA WALMART SUPERCENTER # 4503

Address
REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST.
STE. 900
DALLAS TX 75201

Active Attorneys ▼
Lead Attorney
KURITZKES, JAMES N
Retained

DEFENDANT
WAL-MART ASSOCIATES, INC.

Aliases
DBA WALMART SUPERCENTER #4503

Address
REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST
STE. 900
DALLAS TX 75201

Active Attorneys ▼
Lead Attorney
KURITZKES, JAMES N
Retained

DEFENDANT
WAL-MART REAL ESTATE BUSINESS TRUST

Aliases
DBA WALMART SUPERCENTER #4503

Address
REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST
STE. 900
DALLAS TX 75201

Active Attorneys ▼
Lead Attorney
KURITZKES, JAMES N
Retained

DEFENDANT
TAFOYA, EDWARD

Address
2650 S. STATE HIGHWAY 161
GRAND PRAIRIE TX 75052

Active Attorneys ▼
Lead Attorney
KURITZKES, JAMES N
Retained

Events and Hearings

06/09/2022 NEW CASE FILED (OCA) - CIVIL

06/09/2022 ORIGINAL PETITION ▼

ORIGINAL PETITION

06/09/2022 ISSUE CITATION ▼

ISSUE CITATION-WALMART STORES TEXAS LLC

ISSUE CITATION-WALMART REAL

ISSUE CITATION-WALMART INC

ISSUE CITATION-EDWARD TAFOYA

ISSUE CITATION- WALMART ASSOCIATE INC

ISSUE CITATION-WALMART REALTY

06/23/2022 CITATION ▼

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

EDWARD TAFOYA

06/23/2022 CITATION ▼

Served

07/05/2022

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

07/11/2022

Comment

WAL- MART ASSOCIATES INC

06/23/2022 CITATION ▼

Served
07/05/2022

Anticipated Server
ESERVE

Anticipated Method
Actual Server
PRIVATE PROCESS SERVER

Returned
07/11/2022
Comment
WAL- MART REAL ESTATE BUSINESS TRUST

06/23/2022 CITATION ▼

Served
07/05/2022

Anticipated Server
ESERVE

Anticipated Method
Actual Server
PRIVATE PROCESS SERVER

Returned
07/11/2022
Comment
WAL- MART REALTY COMPANY

06/23/2022 CITATION ▼

Served
07/05/2022

Anticipated Server
ESERVE

Anticipated Method
Actual Server
PRIVATE PROCESS SERVER

Returned
07/11/2022
Comment
WAL- MART STORES TEXAS LLC

06/23/2022 CITATION ▼

Served
07/05/2022

Anticipated Server
ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

07/11/2022

Comment

WAL-MART INC

07/11/2022 RETURN OF SERVICE ▼

EXECUTED CITATION - WALMART ASSOCIATES INC

Comment

EXECUTED CITATION - WALMART ASSOCIATES INC

07/11/2022 RETURN OF SERVICE ▼

EXECUTED CITATION - WALMART REALTY COMPANY

Comment

EXECUTED CITATION - WALMART REALTY COMPANY

07/11/2022 RETURN OF SERVICE ▼

EXECUTED CITATION - WAL-MART STORES TEXAS LLC

Comment

EXECUTED CITATION - WAL-MART STORES TEXAS LLC

07/11/2022 RETURN OF SERVICE ▼

EXECUTED CITATION - WALMART INC

Comment

EXECUTED CITATION - WALMART INC

07/11/2022 RETURN OF SERVICE ▼

EXECUTED CITATION - WAL-MART REAL ESTATE BUSINESS TRUST

Comment

EXECUTED CITATION - WAL-MART REAL ESTATE BUSINESS TRUST

08/02/2022 JURY DEMAND ▼

DEF/ FILING JURY DEMAND

08/02/2022 ORIGINAL ANSWER - GENERAL DENIAL ▼

DEF'S(WALMART)

Financial

LOYOLA, SANDRA

Total Financial Assessment	\$398.00
Total Payments and Credits	\$398.00

6/14/2022	Transaction Assessment	\$398.00
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6/14/2022	CREDIT CARD - TEXFILE (DC)	Receipt # 35538-2022-DCLK	LOYOLA, SANDRA	(\$261.00)
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6/14/2022	STATE CREDIT	(\$137.00)
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WAL-MART STORES TEXAS, LLC

Total Financial Assessment	\$10.00
Total Payments and Credits	\$10.00

8/2/2022	Transaction Assessment	\$10.00
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8/2/2022	CREDIT CARD - TEXFILE (DC)	Receipt # 46851-2022-DCLK	WAL-MART STORES TEXAS, LLC	(\$10.00)
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Documents

ORIGINAL PETITION
 ISSUE CITATION-WALMART STORES TEXAS LLC
 ISSUE CITATION-WALMART REAL
 ISSUE CITATION-WALMART INC
 ISSUE CITATION-EDWARD TAFOYA
 ISSUE CITATION- WALMART ASSOCIATE INC
 ISSUE CITATION-WALMART REALTY
 EXECUTED CITATION - WALMART ASSOCIATES INC
 EXECUTED CITATION - WALMART REALTY COMPANY
 EXECUTED CITATION - WAL-MART STORES TEXAS LLC

EXECUTED CITATION - WALMART INC

EXECUTED CITATION - WAL-MART REAL ESTATE BUSINESS TRUST

DEF/ FILING JURY DEMAND

DEF'S(WALMART)

TAB NO. 2

DC-22-06210

IN THE DISTRICT COURT

95th

JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff and for cause of action would show the Court as follows:

1.01 Plaintiff intends for this lawsuit to be controlled by Discovery Control Plan, Level 3, Texas Rules of Civil Procedure.

2. PARTIES

2.01 Plaintiff is a resident of Texas. The last three digits of her social security are 148 and the last three digits of her Texas driver's license are 331.

2.02 Defendant WALMART, INC., Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.03 Defendant WAL-MART STORES TEXAS, LLC, Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign for-profit Limited Liability Company authorized to conduct business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.04 Defendant WAL-MART REALTY COMPANY, Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.05 Defendant WAL-MART ASSOCIATES, INC., Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.06 Defendant WAL-MART REAL ESTATE BUSINESS TRUST, Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.07 Defendant EDWARD TAFOYA, is an individual who is a resident of Texas. He may be served via private process server at his place of business: Walmart Supercenter #4503, 2650 S. State Highway 161, Grand Prairie, TX 75052. **Issuance of citation is requested at this time.**

3. VENUE AND JURISDICTION

3.01 Venue is proper in Dallas County, Texas, pursuant to §15.002 *et. seq.* of the ***Texas Civil Practices & Remedies Code*** in that the collision made the basis of this lawsuit occurred in Dallas County. This Court has jurisdiction over this lawsuit as the amounts sought herein are within the jurisdictional limits of this Court. While the amount of damages to be awarded will be the

decision made by a jury of Plaintiff's peers, to comply with T.R.C.P. 47, as revised, Plaintiff states that damages sought are pursuant to Rule 47(c)(4). Plaintiff seeks monetary relief over \$1,000,000 and a judgment for all the other relief to which Plaintiff may be entitled.

BACKGROUND FACTS

4.01 On JUNE 10, 2020, Plaintiff was lawfully on the premises of the Walmart Supercenter #4503 located at 2650 S. State Highway 161, Grand Prairie, TX 75052 as a customer and/or invitee when on said premises she stepped upon a wet/slippery and/or otherwise unsafe/improperly maintained floor and fell. As a result of Defendants' negligent acts, including but not limited to, its failure to maintain safe floor provided to customers on the premises in a safe condition; to adequately warn the public of the unsafe condition existing on the premises; and negligently maintaining the subject premises floor, and as stated herein below, Plaintiff sustained serious, debilitating and long-term/life long catastrophic injuries.

4.02 At all relevant times, Plaintiff was free from any contributory negligence.

4.03 Because Defendants were in exclusive control over the premises at the time of this injury, Plaintiff relies on the doctrine of res ipsa loquitur in that Plaintiff will show that the character of the occurrence giving rise to this litigation is such that it would not have happened in the absence of negligence, and that the maintenance and safety of the facility was within the exclusive control of the Defendants at the time of the negligence occurred.

5. CAUSES OF ACTION

COUNT I: NEGLIGENCE OF DEFENDANTS

5.01 Defendants' had a duty to exercise the degree of care that a reasonably careful business would use to avoid harm to others under circumstances similar to those described herein. Plaintiffs injuries were proximately caused by Defendants' negligent, careless, and reckless disregard of said duty. The negligent, careless, and reckless disregard of Defendants' conduct consisted of, but is not limited to, the following acts and omissions:

- A. Defendants failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a business exercising ordinary prudence under the same similar circumstances;
- B. Defendants failed to maintain the flooring, in a condition as a business exercising ordinary prudent under the same or similar circumstances would have;
- C. Defendants failed to instruct its employees to warn the public of a wet/slipper and/or unsafe flooring area in a way that a business exercising ordinary prudent care would have done;
- D. Defendants failed to post signs warning of the unreasonable danger as a business exercising ordinary prudent care would have done under the same or similar circumstances;
- E. Defendants failed to hire and train its employees and/or contractors regarding proper safety protocols when causing a dangerous condition on the premises, as a business exercising ordinary prudent under the same or similar circumstances would have;
- F. Defendants failed to instruct its employees and/or contractors to properly warn patrons of the potential danger, as a business exercising ordinary prudent under

the same or similar circumstances would have; and

- G. Defendants failed to monitor and supervise its employees and/or contractors to properly maintain the flooring as a business exercising ordinary care would have done.

5.02 Each of the foregoing acts and omissions, singularly or in combination with others, constitute negligence which proximately caused Plaintiff's damages alleged herein.

COUNT II: PREMISES LIABILITY

5.03 Defendants owned, operated, managed or were in control of the property in question. Defendants knew or should have known that Plaintiff, or someone similarly situated to the Plaintiff, would be a licensee or invitee on the premises, and as such, had a duty to the Plaintiff. Defendants breached their duty by failing to refrain from injuring Plaintiff willfully, wantonly or through gross negligence; Defendants breached their duty by allowing an unsafe condition to exist that, through the exercise of ordinary care, was known or should have been known; Defendants breached their duty by failing to warn Plaintiff of an unsafe condition existing on their property; Defendants breached their duty by failing to properly maintain the floors on the premises; Defendants breached their duty by failing to keep the premises reasonably safe; Defendants breached their duty by failing to exercise ordinary care; Defendants breached their duty by failing to inspect the flooring provided to customers on the premises to discover latent defects; Defendants breached their duty by failing to reduce or eliminate an unreasonable risk of harm on the premises; and as a result Plaintiff was caused to encounter an unreasonable risk of harm/injury and proximately caused to sustain injuries to her body as alleged herein.

5.04 Each of the foregoing acts and omissions, singularly or in combination with others, constitute negligence which proximately caused Plaintiff's damages alleged herein.

COUNT III: NEGLIGENT HIRING, TRAINING AND/OR SUPERVISION

5.05 Defendants' had a duty to exercise the degree of care that a reasonably careful business would use to avoid harm to others under circumstances similar to those described herein. Defendants had a legal duty to hire, train and supervise competent employees and/or contractors and agents. Defendants breached that duty when defendant negligently hired, trained and supervised employees and/or contractors who were responsible for servicing and maintaining the equipment in question causing Plaintiff to fall. Plaintiffs injuries were proximately caused by Defendants' negligent, careless, and reckless disregard of said duty.

5.06 Each of the foregoing acts and omissions, singularly or in combination with others, constitute negligence which proximately caused Plaintiff's damages alleged herein.

COUNT IV: GROSS NEGLIGENCE

5.07 Defendants' acts and/or omissions as described above were such an entire want of care that said acts and/or omissions were the result of actual conscious indifference to the rights, safety, and/or welfare of Plaintiff.

6. DAMAGES

6.01 As a proximate cause of the negligence of Defendants, as alleged above, Plaintiff suffered bodily injuries. Plaintiff seeks to recover the following damages:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering in the future;

- c. Mental anguish in the past;
- d. Mental anguish in the future;
- e. Physical impairment in the past;
- f. Physical impairment in the future;
- g. Reasonable and necessary medical care and expenses in the past; and
- h. Reasonable and necessary medical care and expenses in the future;
- i. Lost income and/or diminished earning capacity in the past;
- j. Lost income and/or diminished earning capacity in the future.

6.02 Accordingly, Plaintiff seeks recovery for these actual damages as described above against Defendant for an amount in excess of the minimum jurisdictional limits of this Court.

7. INTEREST

7.01 Plaintiff seeks to recover both pre- and post-judgment interest at the highest rates allowed by law.

8. REQUEST FOR JURY TRIAL

8.01 Pursuant to Rule 216, TEXAS RULES OF CIVIL PROCEDURE, Plaintiff requests a trial by jury.

9. NOTICE OF INTENT

9.01 Plaintiff hereby gives notice of intent to utilize any and all items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the Texas Rules of Civil Procedure 193.7.

10. PRAYER

10.01 Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final determination of these causes of action, Plaintiff receive judgment against Defendants, jointly and/or severally, awarding Plaintiff as follows:

- a. Actual damages alleged herein, in an amount in excess of the minimal jurisdictional limits of this Court;
- b. Pre-judgment interest as provided by law;
- c. Post-judgment interest as provided by law;
- d. Costs of court; and
- e. Such other and further relief, at law or in equity, to which Plaintiff may show to be justly entitled.

Respectfully submitted,

THE RIVEROS LAW FIRM, PLLC



GABRIEL A. RIVEROS
State Bar No.: 24068864
1925 E. Belt Line Road, Suite 420
Carrollton, TX 75006
Ph. 214-385-6607
Fax 214-593-3628
ATTORNEY FOR PLAINTIFF
gabriel@riveroslawfirm.com

TAB NO. 3

ESERVE
CITATION

To: WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A
WALMART SUPERCENTER# 4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

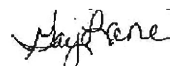
WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By , Deputy
GAY LANE



No.: **DC-22-06210**

SANDRA LOYOLA
vs.
WALMART, INC., et al

ISSUED
on this the 23rd day of June, 2022

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
DALLAS COUNTY
SERVICE FEES
NOT PAID

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M.
Executed at _____, within the County of _____ at
_____ o'clock _____ .M. on the _____ day of _____, 20_____,
by _____ delivering _____ to _____ the _____ within _____ named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____,
20_____, to certify which witness my hand and seal of office.

Notary Public _____ County _____

TAB NO. 4

ESERVE
CITATION

To: WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND /OR
D/B/A WALMART SUPERCENTER# 4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201

No.: DC-22-06210

SANDRA LOYOLA
vs.
WALMART, INC., et al

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

ISSUED
on this the 23rd day of June, 2022

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: GAY LANE, DeputySaid Plaintiff being **SANDRA LOYOLA**Filed in said Court **9th day of June, 2022** against

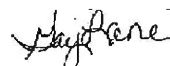
**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA**

Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
DALLAS COUNTY
SERVICE FEES
NOT PAID

For Suit, said suit being numbered DC-22-06210, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By , Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M.
Executed at _____, within the County of _____ at
_____ o'clock _____ .M. on the _____ day of _____, 20_____,
by _____ delivering _____ to _____ the _____ within _____ named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____,
20_____, to certify which witness my hand and seal of office.

Notary Public _____ County _____

TAB NO. 5

CITATION

**To: WALMART INC. INDIVIDUALLY AND / OR D/B/A WALMART SUPERCENTER #4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201**

No.: DC-22-06210

**SANDRA LOYOLA
vs.
WALMART, INC., et al**

ISSUED

on this the 23rd day of June, 2022

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: **GAY LANE**, Deputy

**Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
**DALLAS COUNTY
SERVICE FEES
NOT PAID****

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

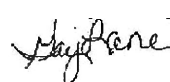
Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By , Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M.
Executed at _____, within the County of _____ at
_____ o'clock _____ .M. on the _____ day of _____, 20_____,
by _____ delivering _____ to _____ the _____ within _____ named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____,
20_____, to certify which witness my hand and seal of office.

Notary Public _____ County _____

TAB NO. 6

FORM NO. 353-3—CITATION
THE STATE OF TEXAS

Case 3:22-cv-01698-L Document 1-3 Filed 08/04/22 Page 31 of 72 PageID 42

To: **EDWARD TAFOYA**
2650 S STATE HIGHWAY 161
GRAND PRAIRIE TX 75052

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

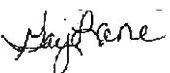
Filed in said Court **9th day of June, 2022** against

WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: **FELICIA PITRE**, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: **FELICIA PITRE**,
Clerk of the District Courts of Dallas County, Texas

By , Deputy
GAY LANE



**ESERVE
CITATION**

No.: **DC-22-06210**

SANDRA LOYOLA
vs.
WALMART, INC., et al

ISSUED
on this the 23rd day of June, 2022

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
DALLAS COUNTY
SERVICE FEES
NOT PAID

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M.
Executed at _____, within the County of _____ at
_____ o'clock _____ .M. on the _____ day of _____, 20_____,
by _____ delivering _____ to _____ the _____ within _____ named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____,
20_____, to certify which witness my hand and seal of office.

Notary Public _____ County _____

TAB NO. 7

CITATION

**To: WALMART ASSOCIATES INC, INDIVIDUALLY
AND / OR D/B/A WALMART SUPERCENTER #4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201**

No.: DC-22-06210

SANDRA LOYOLA

vs.

WALMART, INC., et al

ISSUED

on this the 23rd day of June, 2022

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: **GAY LANE**, Deputy

**Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
**DALLAS COUNTY
SERVICE FEES
NOT PAID****

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

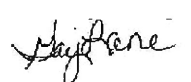
Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By , Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M.
Executed at _____, within the County of _____ at
_____ o'clock _____ .M. on the _____ day of _____, 20_____,
by _____ delivering _____ to _____ the _____ within _____ named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____,
20_____, to certify which witness my hand and seal of office.

Notary Public _____ County _____

TAB NO. 8

ESERVE
CITATION

To: **WALMART REALTY COMPANY, INDIVIDUALLY
AND / OR D/B/A WALMART SUPERCENTER #4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201**

No.: **DC-22-06210**

**SANDRA LOYOLA
vs.
WALMART, INC., et al**

**ISSUED
on this the 23rd day of June, 2022**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: **GAY LANE**, Deputy

**Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
**DALLAS COUNTY
SERVICE FEES
NOT PAID****

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

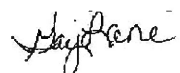
Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By , Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M.
Executed at _____, within the County of _____ at
_____ o'clock _____ .M. on the _____ day of _____, 20_____,
by _____ delivering _____ to _____ the _____ within _____ named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____,
20_____, to certify which witness my hand and seal of office.

Notary Public _____ County _____

TAB NO. 9

THE STATE OF TEXAS

ESERVE CITATION

To: **WALMART ASSOCIATES INC, INDIVIDUALLY
AND / OR D/B/A WALMART SUPERCENTER #4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201**

No.: DC-22-06210

SANDRA LOYOLA
vs.
WALMART, INC., et al

ISSUED
on this the 23rd day of June, 2022

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
DALLAS COUNTY
SERVICE FEES
NOT PAID

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered DC-22-06210, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the 1st day of July, 20 22, at 5:00 o'clock P.M.
 Executed at 1999 Bryan St Dallas Tx, within the County of dallas at
250 o'clock P.M. on the 5 day of july, 20 22,
 by _____ delivering _____ to _____ within _____ named
Walmart associates inc.
BSA Ct Corp system

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____ Patrice J. Halstead 0623 0-20
 For mileage \$ _____ of _____ County, _____
 For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Halstead before me this 17th day of July,
 20 22, to certify which witness my hand and seal of office.

Carrie M. Dean
 Notary Public Dallas County Texas



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 66209938

Status as of 7/13/2022 9:53 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:05:08 PM	SENT

TAB NO. 10

THE STATE OF TEXAS

FILED
7/11/2022 5:10 PM
FELICIA PITRE
DISTRICT CLERK
DALLAS CO., TEXAS
SADAF RAJPUT DEPUTY

ESERVE CITATION

To: **WALMART REALTY COMPANY, INDIVIDUALLY
AND / OR D/B/A WALMART SUPERCENTER #4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201**

No.: **DC-22-06210**

SANDRA LOYOLA
vs.
WALMART, INC., et al

ISSUED
on this the 23rd day of June, 2022

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: **GAY LANE**, Deputy

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy
GAY LANE



Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
DALLAS COUNTY
SERVICE FEES
NOT PAID

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

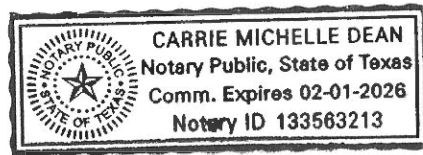
Came to hand on the 1st day of July, 20 22, at 5:00 o'clock P.M.
 Executed at 1999 Oregon St Dallas Tx, within the County of dallas at
250 o'clock P.M. on the 5 day of July, 20 22,
 by _____ delivering _____ to _____ within _____ named
Walmart Realty Company
BSRA et Corp system

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____ Patrice J. Halstead 11623 8-20
 For mileage \$ _____ of _____ County, _____
 For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Halstead before me this 7th day of July,
 20 _____, to certify which witness my hand and seal of office.



Carrie M. Dean
 Notary Public Dallas County Texas

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 66210258

Status as of 7/13/2022 9:55 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:10:00 PM	SENT

TAB NO. 11

FORM NO. 353-3—CITATION
THE STATE OF TEXAS

Case 3:22-cv-01698-L Document 1-3 Filed 08/04/22 Page 48 of 72 PageID 59

FILED
7/11/2022 5:14 PM
FELICIA PITRE
DISTRICT CLERK
DALLAS CO., TEXAS
SADAF RAJPUT DEPUTY

ESERVE
CITATION

To: WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A
WALMART SUPERCENTER# 4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201

No.: DC-22-06210

SANDRA LOYOLA
vs.
WALMART, INC., et al

ISSUED
on this the 23rd day of June, 2022

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
DALLAS COUNTY
SERVICE FEES
NOT PAID

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the 95th District Court at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being SANDRA LOYOLA

Filed in said Court 9th day of June, 2022 against

WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA

For Suit, said suit being numbered DC-22-06210, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office on this the 23rd day of June, 2022

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By GAY LANE, Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the 1st day of July, 20 22, at 5:05 o'clock P.M.
Executed at 1999 Bryan St Dallas Tx, within the County of dallas at
250 o'clock pm.M. on the 5 day of july, 20 22,
by _____ delivering _____ to _____ within _____ named
Walmart Stores Texas Inc.
BSPN Ct Corp System

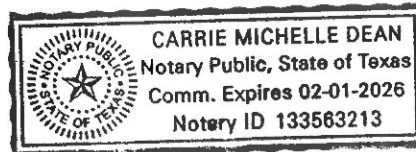
each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____ Patrice J. Halstead 11623 8-22
For mileage \$ _____ of _____ County, _____
For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Halstead before me this 7 day of July,
20 22, to certify which witness my hand and seal of office.

Carrie M Dean
Notary Public Dallas County Texas



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Envelope ID: 66210469

Status as of 7/13/2022 9:57 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:14:53 PM	SENT

TAB NO. 12

FORM NO. 353-3—CITATION
THE STATE OF TEXAS

Case 3:22-cv-01698-L Document 1-3 Filed 08/04/22 Page 52 of 72 PageID 63

FILED
7/11/2022 5:18 PM
FELICIA PITRE
DISTRICT CLERK
DALLAS CO., TEXAS
SADAF RAJPUT DEPUTY

ESERVE
CITATION

To: WALMART INC. INDIVIDUALLY AND / OR D/B/A WALMART SUPERCENTER #4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201

No.: DC-22-06210

SANDRA LOYOLA
vs.
WALMART, INC., et al

ISSUED
on this the 23rd day of June, 2022

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff
GABRIEL A RIVEROS
THE RIVEROS LAW FIRM PLLC
1925 E BELT LINE RD
STE 420
CARROLTON TX 75006
214-385-6607
gabriel@riveroslawfirm.com
DALLAS COUNTY
SERVICE FEES
NOT PAID

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the 95th District Court at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being SANDRA LOYOLA

Filed in said Court 9th day of June, 2022 against

WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA

For Suit, said suit being numbered DC-22-06210, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies
this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office on this the 23rd day of June, 2022

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By GAY LANE, Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the 1st day of July, 20 22, at 5:06 o'clock P.M.
Executed at 1999 Bryan St Dallas Tx, within the County of dallas at
250 o'clock P.M. on the 5 day of july, 20 22,
by _____ delivering _____ to _____ the _____ within _____ named
walmart inc. BSKA Ct Corp system.

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: _____ To certify which witness my hand.

For serving Citation \$ _____ Patrice J. Walstead 1622 8-22
For mileage \$ _____ of _____ County, _____
For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Walstead before me this 14th day of July,
20 22, to certify which witness my hand and seal of office.

Carrie M. Dean
Notary Public Dallas County Texas



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Envelope ID: 66210682

Status as of 7/13/2022 10:01 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:18:31 PM	SENT

TAB NO. 13

FORM NO. 353-3—CITATION
THE STATE OF TEXAS

Case 3:22-cv-01698-L Document 1-3 Filed 08/04/22 Page 56 of 72 PageID 67

ESERVE

CITATION

No.: DC-22-06210

SANDRA LOYOLA

vs.

WALMART, INC., et al

ISSUED

on this the 23rd day of June, 2022

FELICIA PITRE

Clerk District Courts,
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff
GABRIEL A RIVEROS

THE RIVEROS LAW FIRM PLLC

1925 E BELT LINE RD

STE 420

CARROLTON TX 75006

214-385-6607

gabriel@riveroslawfirm.com

DALLAS COUNTY

SERVICE FEES

NOT PAID

To: **WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND /OR
D/B/A WALMART SUPERCENTER# 4530
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530
; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART
SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR
D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC
INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART
REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART
SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered DC-22-06210, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,

Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy
GAY LANE



OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

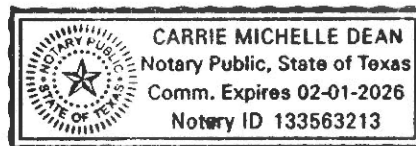
Came to hand on the 1st day of July, 20 22, at 5:05 o'clock P.M.
Executed at 1909 Bryan St Dallas Tx, within the County of dallas at
250 o'clock 8.M. on the 5 day of july, 20 22,
by _____ delivering _____ to _____ within _____ named
walmart real estate business trust
BARR Ct Corp system :

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____ Patrice J. Holston 11623 8-22
For mileage \$ _____ of _____ County, _____
For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Holston before me this 17th day of July,
20 _____, to certify which witness my hand and seal of office.



Carrie M. Dean
Notary Public dallas County Texas

Automated Certificate of eService

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Envelope ID: 66211359

Status as of 7/14/2022 9:33 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:32:33 PM	SENT

TAB NO. 14



JAMES N. KURITZKES
Attorney at Law

214-712-9532
James.Kuritzkes@CooperScully.com

August 2, 2022

Clerk of Court
95th District Court
George L. Allen, Sr. Courts Building
600 Commerce Street Box 640
Dallas, TX 75202

Re: *Sandra Loyola v. WalMart, Inc., et al.*
Cause No. DC-22-06210
In the 95th Judicial District Court, Dallas County, Texas

Dear Madam Clerk:

Enclosed for filing, please find an Original Answer for Defendant Wal-Mart Stores of Texas.¹ A good faith attempt was made to file the Answer prior to 10:00 AM on August 1, 2022 via the statewide e-File system. However, due to a statewide outage of the system, it was not possible to meet that deadline.

Pursuant to the alternative service methods allowed under Tex. R. Civ. P. 21(6) and 21a the Answer was served on opposing counsel and the Court shortly after the 10:00 AM deadline on August 1, 2022. A copy of the email transmitting the Answer is also enclosed with this letter.

Please do not hesitate to contact me with any questions.

Very Truly Yours,

/s/ James N. Kuritzkes

James N. Kuritzkes

cc: Gabriel A. Riveros
The Riveros Law Firm
1925 E. Belt Line Road, Suite 420
Carrollton, Texas 75006

JNK/hms

¹ In the Petition, Defendant Wal-Mart Stores of Texas was incorrectly named as the following entities: WALMART, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART STORES TEXAS, LLC, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART REALTY COMPANY, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART ASSOCIATES, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WALMARTREAL ESTATE BUSINESS TRUST, Individually and/or d/b/a WALMART SUPERCENTER #4503

Kuritzkes, James

From: Kuritzkes, James
Sent: Monday, August 1, 2022 10:06 AM
To: 'gabriel@rvieroslawfirm.com'
Cc: Savant, Heather; 'kalonzo@dallascourts.org'
Subject: DC-22-06210 | Loyal v. Wal Mart, et al.
Attachments: 2022.8.1 - Wal Mart's Original Answer-c.pdf

Gabriel,

The efile portal is currently down as they are migrating to the new system. Pursuant to TRCP 21a, please accept service of Defendant Wal-Mart's Original Answer

Madam clerk, please note that a good faith attempt was made to file the Answer prior to 10am this morning, but timely filing was prevented by technological difficulties with the efile system.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Savant on behalf of Derek Davis

Bar No. 793591

heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	8/2/2022 10:55:01 AM	SENT

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Heather Savant on behalf of Derek Davis

Bar No. 793591

heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: WAL-MART STORES TEXAS, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Kim Denton		kim.denton@cooperscully.com	8/2/2022 10:55:01 AM	SENT
James Kuritzkes		james.kuritzkes@cooperscully.com	8/2/2022 10:55:01 AM	SENT
Heather Savant		heather.savant@cooperscully.com	8/2/2022 10:55:01 AM	SENT

TAB NO. 15

SANDRA LOYOLA

PLAINTIFF,

v.

**WALMART, INC., Individually and/
or d/b/a WALMART
SUPERCENTER #4503, WAL-MART
STORES TEXAS, LLC, Individually
and/or d/b/a WALMART
SUPERCENTER #4503, WAL-MART
REALTY COMPANY, Individually
and/or d/b/a WALMART
SUPERCENTER #4503, WAL-MART
ASSOCIATES, INC., Individually
and/or d/b/a WALMART
SUPERCENTER #4503 , WALMART
REAL ESTATE BUSINESS
TRUST, Individually and/or d/b/a
WALMART SUPERCENTER #4503
and EDWARD TAFOYA,
DEFENDANTS.**

IN THE DISTRICT COURT

95TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

COMES NOW, WAL-MART STORES TEXAS, LLC (incorrectly named WALMART, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART STORES TEXAS, LLC, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART REALTY COMPANY, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART ASSOCIATES, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503 , WALMARTREAL ESTATE BUSINESS TRUST, Individually and/or d/b/a WALMART SUPERCENTER #4503) (“Defendant”) in the above-styled and numbered cause, and files this Original Answer to Plaintiff’s Original Petition, and in support hereof would respectfully show

the Court the following.

I.
GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material allegations made and contained in the Original Petition and any petition which Plaintiff may hereinafter file by way of amendment or supplement, and, in accordance with Texas law, demands that Plaintiff prove by a preponderance of the credible evidence each and every such allegation made and contained therein, or the prevailing standard of proof required by applicable law.

II.
AFFIRMATIVE DEFENSES

2. Pleading further, and in the affirmative, Defendant asserts the doctrine of comparative causation as set forth in Chapter 33 of the TEXAS CIVIL PRACTICE & REMEDIES CODE, which may bar any recovery by Plaintiff, or may in the alternative reduce the amount of recovery by Plaintiff based on the Plaintiff's own percentage of fault.

3. Pleading further, if necessary, Plaintiff failed to mitigate Plaintiff's damages which may have resulted from the occurrence made the basis of this lawsuit.

4. In the alternative, and without waiving the foregoing, Defendant affirmatively pleads the defense set forth in TEXAS CIVIL PRACTICE & REMEDIES CODE § 18.091, requiring Plaintiff to prove Plaintiff's loss of earning and/or loss of earning capacity in the form which represents Plaintiff's net loss after reduction for income tax payments or unpaid tax liability on said loss or earning claim pursuant to any federal income tax law. *Id.* Additionally, Defendant requests the Court to instruct the jury as to whether any recovery for compensatory damages sought by the Plaintiff, if any, is subject to federal to state income taxes.

5. Additionally, to the extent Plaintiff's medical expenses exceed the amount actually paid on Plaintiff's behalf to Plaintiff's medical providers, Defendant asserts the statutory

defense set forth in § 41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE. Thus, recovery of medical or health care expenses incurred by Plaintiff, if any, are limited to the amount actually paid or incurred by or on behalf of Plaintiff.

6. Pleading further, Defendant would show that it is entitled to a credit or offset equal to the amount of any and all sums that the Plaintiff has received, or may hereinafter receive, by way of settlement with any person or party. Alternatively, pursuant to Rule 48 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant contends that it is entitled to a proportionate reduction of any damages found against it based upon the percentage of negligence attributable to the settling tortfeasor, cross claimant, designated third party, or other party to this case.

7. Pleading further, and in the affirmative, Defendant alleges Plaintiff's claims for pre-judgment interest are limited by the dates and amounts set forth in § 304.101 of the TEXAS FINANCE CODE and § 41.007 of the TEXAS CIVIL PRACTICE & REMEDIES CODE.

8. Pleading further, and in the affirmative, Defendant invokes §41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE concerning Plaintiff's claim for the recovery of health care expenses and other related damages, past and future.

9. Pleading further, and in the affirmative, Defendant asserts the doctrine of proportionate responsibility of TEXAS CIVIL PRACTICE & REMEDIES CODE Chapter 33, which may bar any recovery by Plaintiff, or may in the alternative, reduce the amount of recovery by Plaintiff based on Plaintiff's own percentage of fault.

10. Pleading further, and in the affirmative, Defendant would show that the alleged occurrence made the basis of this lawsuit was the result of circumstances and/or events that were not of Defendant's own creation. Defendant would further show that it acted just as a similar situated reasonable premises owner would have acted under the same or similar circumstances

surrounding the matters made the basis of this lawsuit.

11. Pleading further, and in the affirmative, Defendant alleges that the injuries and damages alleged by Plaintiff may be due to Plaintiff's own negligence and recklessness in that Plaintiff's failure to exercise ordinary care proximately caused, in whole or in part, the alleged injuries and damages complained of by Plaintiff. Plaintiff's acts and omissions, whether taken together or separately, may be the sole proximate cause, or a proximate cause of the injuries and damages Plaintiff has alleged in this lawsuit. Any recovery by Plaintiff is therefore barred, or alternatively should be reduced in accordance with the applicable law.

12. Pleading further, and in the affirmative, the injuries pled by Plaintiff may have been caused, in whole or in part, by superseding and/or intervening causes, including preexisting conditions and/or injuries and subsequently occurring injuries and/or conditions that were not Defendant's own creation.

13. Pleading further, if necessary, Plaintiff's claims may have been caused by an unavoidable accident, Act of God, or an occurrence without any fault on the part of Defendant.

14. Pleading further and in the alternative, Defendant alleges that any claims for or recovery of exemplary damages against it violates the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution, and Sections 3, 13 and 19 of Article I of the Texas Constitution, because such claims as made are arbitrary, unreasonable, and violate Defendant's rights to due process and equal protection of the laws.

15. Pleading further and in the alternative, to the extent any recovery of exemplary damages is found to be constitutional, Defendant invokes all the limitations upon damages and exemplary damages contained in Chapter 41 of the Texas Civil Practice & Remedies Code, both in terms of the maximum amount of damages that can be awarded pursuant to that statute and the

procedural safeguards guaranteed by the referenced provisions.

16. Pleading further and in the alternative, Defendant also invokes all other applicable state law, federal law, statutory and/or common-law caps or limitations on exemplary damages.

17. Pleading further and in the alternative, Defendant affirmatively asserts that Plaintiff did not exercise due diligence to effectively “bring suit” within the two-year time statute of limitation period prescribed by Chapter 16 of the Texas Civil Practice & Remedies Code. *See also Grant v. DeLeon*, 786 S.W.2d 259, 260 (Tex. 1990).

III. **NOTICE OF INTENT**

18. Defendant further places Plaintiff on notice pursuant to TEXAS RULE OF CIVIL PROCEDURE 193.7 that may use in pretrial proceedings or at trial any and all documents and tangible things produced in discovery by plaintiff.

IV. **DEMAND FOR JURY TRIAL**

19. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by this suit against Defendant, that Defendant be discharged, and that the Court grant such other and further relief, both general and special, at law and in equity to which Defendant may be justly entitled.

Respectfully submitted,

COOPER & SCULLY, P.C.

By: /s/ James N. Kuritzkes

DEREK S. DAVIS

Texas Bar No. 00793591

Email: Derek.Davis@CooperScully.com

JAMES N. KURITZKES

Texas Bar No. 24120956

Email: James.Kuritzkes@CooperScully.com

900 Jackson Street, Suite 100

Dallas, Texas 75202

Telephone: (214) 712-9500

Facsimile: (214) 712-9540

**ATTORNEYS FOR DEFENDANT
WAL-MART STORES TEXAS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August, 2022, a true and correct copy of the foregoing document was served on counsel of record *via* the Court's ECF filing service as follows:

Gabriel A. Riveros

The Riveros Law Firm, PLLC

1925 E. Belt Line Road, Suite 420

Carrollton, Texas 75006

Telephone: (214) 385-6607

Facsimile: (214) 593-3628

Email: Gabriel@riveroslawfirm.com

ATTORNEY FOR PLAINTIFF

/s/ Derek S. Davis

DEREK S. DAVIS

Automated Certificate of eService

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Heather Savant on behalf of Derek Davis

Bar No. 793591

heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	8/2/2022 10:55:01 AM	SENT

Automated Certificate of eService

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Heather Savant on behalf of Derek Davis

Bar No. 793591

heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: WAL-MART STORES TEXAS, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Kim Denton		kim.denton@cooperscully.com	8/2/2022 10:55:01 AM	SENT
James Kuritzkes		james.kuritzkes@cooperscully.com	8/2/2022 10:55:01 AM	SENT
Heather Savant		heather.savant@cooperscully.com	8/2/2022 10:55:01 AM	SENT